

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In the Matter of

Distribution of the
2014-17 Cable Funds

)
)
) Docket No. 16-CRB-0009-CD (2014-17)
)
)
)

**JOINT MOTION FOR ORDER TO SHOW CAUSE WHY THE CLAIMS OF DAVID
POWELL SHOULD NOT BE DISMISSED**

The undersigned representatives of the Allocation Phase claimant categories to which Section 111 cable royalties have been allocated in prior cable distribution proceedings (“Allocation Phase Parties”) respectfully request that the Copyright Royalty Judges (“Judges”) issue an order to show cause why David Powell’s claims for 2014-2017 cable royalties should not be dismissed. As explained below, Mr. Powell has failed to demonstrate that he has any legitimate interest, let alone a “significant interest,” in the proceedings to allocate those royalties. Thus, Section 803(b)(2)(C) of the Copyright Act, 17 U.S.C. § 803(b)(2)(C), as well as the efficient administration of justice, require dismissal of his claim. As the Judges have determined previously, a show cause order is appropriate before requiring the other parties to expend resources defending against claims that have no valid basis. *See Orders To Show Cause*, Docket Nos. 2012-6 CRB CD 2004-2009 (Phase II) and 2012-7 CRB SD 1999-2009 (Phase II) at 1 (March 21, 2014) (ordering David Powell to show cause why his claims should not be dismissed as to all programming categories for failure to state a significant interest in the proceeding); *Orders Dismissing Petition To Participate (Phase II)*, Docket Nos. 2012-6 CRB CD 2004-2009 (Phase II) and 2012-7 CRB SD 1999-2009 (Phase II) at 1-2 (April 18, 2014) (dismissing Mr.

Powell’s petition to participate); *see also Order to Show Cause Why the Petition to Participate Should Not be Dismissed*, Docket No. 2012-7 CRB SD 1999-2009 (Phase II) 1-2 (Oct. 25, 2013) (“*October 25, 2013 Order to Show Cause*”) (ordering Thomas Darcy Welch to show cause why his claim to satellite royalties should not be dismissed where he “provided insufficient evidence to substantiate the basis of his interest”); *Order Dismissing Petition to Participate*, Docket No. 2012-7 CRB SD 1999-2009 (Phase II) at 1 (Nov. 19, 2013) (dismissing Mr. Welch’s claim).

1. When Congress enacted the Copyright Royalty and Distribution Reform Act of 2004, Pub. L. No. 108-419, 118 Stat. 2341 (“CRDRA”), it made clear that the Judges should determine whether a party has a “significant interest” in the subject of a royalty distribution proceeding before allowing that party to participate in the proceeding. Section 803(b)(1)(B) of the Copyright Act, 17 U.S.C. § 803(b)(1)(B), states that: “Each petition to participate in a proceeding shall describe the petitioner’s interest in the subject matter of the proceeding.” Section 803(b)(2)(C) of the Copyright Act, 17 U.S.C. § 803(b)(2)(C), provides that a claimant may not participate in a royalty distribution proceeding if the Judges determine “*sua sponte* or on the motion of another participant in the proceeding, that the person lacks a significant interest in the proceeding.” Consistent with these provisions, the Judges’ rules state that each petition to participate in a royalty distribution proceeding must contain a “description of the petitioner’s significant interest in the subject matter of the proceeding.” 37 C.F.R. § 351.1(b)(2)(i)(C). The legislative history of the CRDRA explains that only those who have “legally protectable and tangible interests” in a proceeding, with a “stake” in the outcome, have the requisite “significant interest”:

Subsection 803(b)(2) sets forth the requirements a party must meet to become a participant in a proceeding. To ensure that *only parties with legally protectable and tangible interests may take part in these processes*, the Committee defines the term “participant.” The Committee intends that only those parties meeting the requirements

of this definition may participate in the process as set forth in the new Chapter 8.

The Committee anticipates that the CRJs will adopt regulations to define the requisite “significant interest” that a party must demonstrate to participate in a proceeding. *Such regulations should recognize that the Committee intends the “significant interest” requirement to restrict participation to those who have a stake in the outcome of the proceeding.*

H.R. Rep. No. 108-408 at 27 (2003) (emphasis added).

2. Mr. Powell has never established that he has a “significant interest” in the distribution of cable royalties. Indeed, in past cable and satellite proceedings the Judges (1) found that Mr. Powell failed to identify his ownership of any copyrights that might give rise to an interest in statutory license royalties, (2) dismissed his petitions to participate, and (3) barred Mr. Powell from filing any further papers in the proceedings. *See Orders Dismissing Petition To Participate (Phase II)*, Docket Nos. 2012-6 CRB CD 2004-2009 (Phase II) and 2012-7 CRB SD 1999-2009 (Phase II) at 1-2 (April 18, 2014). Moreover, Mr. Powell has previously asserted claims in other copyright royalty proceedings without being able to substantiate his right to participate. *See Order Dismissing David Powell And Circle God Network, Inc. From The Proceeding*, Docket No. 19-CRB-0005-WR (2021-25) at 1-2 (March 23, 2020) (ruling that David Powell had failed to articulate a significant interest in the proceeding); *Order Resolving Controversy and Concluding Paper Proceedings*, Docket No. 2010-8 CRB DD 2005-2008 (MW) at 2 (Jan. 15, 2014) (concluding that Mr. Powell “failed to demonstrate that he is entitled to any of the royalties in the 2006 [Digital Audio Recording Technology] Musical Works Fund” and awarding balance of the fund to the Settling Parties). The Judges have also previously dismissed a claim of Mr. Powell for, *inter alia*, lacking “apparent authority to file a pleading for or on behalf of the Federal Bureau of Investigation.” *Order Dismissing Petition to Participate*, Docket No. 2011-2 CRB NCEB at 1 (Jan. 10, 2014).

3. None of the submissions that Mr. Powell has filed with the Judges in this proceeding establishes such an interest in the distribution of 2014-17 cable royalties. Contrary to the Copyright Act and the Judges' regulations, Mr. Powell's petition to participate fails to provide *any* description of his significant interest in the proceeding, stating only "I d/b/a David Powell files verified motion Petition to Participate & Filing fee \$150.00 in this consolidated proceedings on line 16-crb-0009 cd (2014-2017)." *See* Verified Motion Petition to Participate, filed by David Powell, *pro se* (Feb. 18, 2019) (attached as Exhibit A). Mr. Powell's 2014-17 cable claims are equally deficient. The Judges' claim forms require each claimant to identify "the nature of the copyright owner's works (*e.g.*, motion pictures, syndicated television series, devotional programs, sports broadcasts, music, news, [and] other station-produced programming)." In response, Mr. Powell's claims included a confusing, stream-of-consciousness list that does not provide any information to either the parties, or the Judges, regarding the nature of *any* copyrighted works associated with Mr. Powell. *See* 2014 Cable Claim Nos. 171 and 172, 2015 Cable Claim No. 96, 2016 Cable Claim No. 514, and 2017 Cable Claim No. 544 (attached as Exhibits B-F). For example, Mr. Powell's 2015 cable claim states as follows:

GENERAL STATEMENT: Provide the nature of the copyright owner's works (*e.g.*, motion pictures, syndicated television series, devotional programs, sports broadcasts, music, news, other station-produced programming). *LIFE STORY*
~~LITERARY WORK, COMPOSITION, PROPERTY LOOK & FEEL PROTECTION, ADAPTION~~
~~& DISPLAY RIGHTS, RIGHT OF PUBLICITY, SOUND & AUDIO RECORDING, NARROW CAST~~
~~VOICE & AUDIO ACTIVATED INTERACTIVE DIGITAL COMMUNICATION & HOST SVC.~~
~~VISUAL ARTIST VIDEO & WEB CASTING SKYPE IPR SYNDICATED SERIES CYBER~~
~~INTERNET COMPUTER CYBER SQUATING GENERATED THRU TV (IE'S) LICENSE~~
~~EXCLUSIVE, COMPULSORY STATUTORY SHRINK WRAP GRANT BACK OR LICENSING~~
~~NO SALE AUTHORTHIZEING PERMISSION WILLFUL INFRINGEMENT TO THEIR~~
~~SUBSCRIBERS LIST IPR, PERFORMANCE RIGHTS SERVITUDE & SERIAL RIGHTS.~~
~~LIVE STREAMING~~

See Exhibit D at 1. In one of Mr. Powell's 2014 cable claims, Mr. Powell provided "60 Minutes" as an example of a program secondarily transmitted, *see* Exhibit C at 2, which is produced by CBS Broadcasting, Inc. (a long-time MPA-represented Program Supplier claimant). Mr. Powell also listed James Comey, then the FBI Director, as a "contact person" on this claim. *See id.* at 1.

Mr. Powell's other 2014 cable claim and 2015 cable claim provided the example of "Primer Impacto," *see* Exhibits B and D, a Spanish-language news program produced by Univision Communications, Inc. (another long-time MPA-represented Program Supplier claimant). Mr. Powell is not affiliated with either entity, and has not demonstrated any authority to seek Section 111 royalties for these programs.¹

4. It is apparent that Mr. Powell does not have a "significant interest" in any proceeding to distribute 2014-17 cable royalties and his claim to such royalties should be dismissed. Because "[d]ismissing a claim to royalties is not an action to be taken lightly and is one that necessitates affording the adversely affected party every reasonable opportunity to defend the claim," *October 25, 2013 Order to Show Cause* at 2, the Allocation Phase Parties at this time request only that the Judges issue an order to show cause as to why Mr. Powell's claims should not be dismissed. The Judges should require that Mr. Powell provide "sufficient evidence to substantiate the basis of his interest," *id.*, in the 2014-17 cable royalties so that the Judges are able to determine whether Mr. Powell has the significant interest required by 17 U.S.C. § 803(b)(2)(C) and 37 C.F.R. § 351.1(b)(2)(i)(C).

CONCLUSION

For the reasons stated above, the undersigned Allocation Phase Parties request that the Judges issue an order to show cause why David Powell's claim for 2014-17 cable royalties should not be dismissed.

¹ On June 13, 2017, the Judges changed their regulations so that an example of a secondarily retransmitted program was no longer required, going forward, as a part of a claim for Section 111 royalties. *See* 75 Fed. Reg. 27016 (June 13, 2017); *see also* 37 C.F.R. 360.4. Mr. Powell's 2014 and 2015 cable claims were filed prior to this regulatory change.

Respectfully submitted,

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Dated: May 12, 2020

CERTIFICATE OF SERVICE

I certify that on May 12, 2020, I caused a copy of the foregoing to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

/s/ *Lucy Holmes Plovnick*

Lucy Holmes Plovnick

EXHIBIT A

Copyright Royalty Judges

Washington, D.C.

In the Matter of

Distribution of the 2014-2017

Docket no. 16-crb-0009 CD (2014-2017)

Cable Royalty Funds

Consolidated Proceedings

Verified motion Petition to Participate

I d/b/a David Powell files verified motion Petition to Participate &
Filing fee \$150.00 in this consolidated proceedings on line 16-crb-0009
cd (2014-2017).

Respectfully Submitted

David Powell, Pro Se

POB 010950 Miami, FL 33101

Proof of Delivery

I hereby certify that on Feb. 14, 2019 I provided a true correct copy to:

Copyright Royalty Judges

Signed: /s/ David Powell, Pro Se

EXHIBIT B

PLS RETURN COPY STAMP
DATED REC'D

171



United States Copyright Royalty Board

Joint Claim for Cable Retransmission Royalty Fees — 2014

IMPORTANT: To be effective, this form must be filed *during* July 2015. See 17 USC 111(d)(4)(A), 37 CFR 360.2, 360.4. Do not file before July 1 or after July 31, 2015. Claims must be submitted on this form only. Replicas of this form will NOT be accepted.

In accordance with section 111 of the Copyright Act, 17 USC, and Subpart A of Part 360 of the Copyright Royalty Board regulations, 37 CFR 360.1–360.5, the copyright owner claimants named herein file with the Copyright Royalty Board a claim to royalty payments collected from cable television systems retransmitting copyrighted programming contained on over-the-air television and radio broadcast signals. This joint claim to royalties is for fees collected by cable television systems during calendar year 2014.

RECEIVED

JUL 17 2015

You must provide the requested information for each item on this form.

FILER AND COPYRIGHT OWNERS

Copyright Royalty Board

FILER FULL NAME AND ADDRESS: Below, provide the full legal name and address (including specific number and street name or rural route), of the person or entity filing the joint claim.

1

FBI DAVID POWELL
2030 SW 145 AVE P.O. BOX 010950 532 N. MIAMI AVE.
MIRAMAR, FL 33027 MIAMI, FL 33101 APT. 16
MIAMI, FL 33136

Telephone number of the person or entity filing the claim: 202 324 3000 305 539-1755

Facsimile number, if any, of the person or entity filing the claim: _____

Email address, if any, of the person or entity filing the claim: _____

2

CONTACT PERSON: Include name, phone, fax, if any, and email, if any:

JAMES COMEY FBI DIR 202 324 3000
DAVID POWELL 305 539-1755

3

LIST OF COPYRIGHT OWNERS: Below, provide the full legal names and addresses of the copyright owners entitled to claim the joint royalty fees who have duly authorized the representative named herein to file this claim on their behalf. If the filer is also a joint copyright owner to this claim, the filer's name and address must appear in this section. You may attach a list of names and addresses of the copyright owners to the joint claim in lieu of listing them below. Do not include names of subsidiaries, parent companies, etc., if they are not a copyright owner entitled to royalties. **NOTE:** Performing rights organizations do not have to list the names of their members and affiliates.

FBI DIR. JAMES COMEY 935 PENN. AVE NW WASH DC 20535
DAVID POWELL P.O. BOX 010950 MIAMI, FL 33101

CLAIM INFORMATION

4

GENERAL STATEMENT: Below, provide the nature of the copyright owners' works (i.e., motion pictures, syndicated television series, sports broadcasts, music, news, and other station-produced programming).

REALITY OWNERS
LITERARY WORK, COMPOSITION & PROPERTY LOOK & FEEL PROTECTION
ADAPTATION, DISPLAY RIGHTS, RIGHT OF PUBLICITY, SOUND & AUDIO RECORDING,
NARROW CAST, VOICE & AUDIO ACTIVATED INTERACTIVE DIGITAL COMMUNICATION
& HOST SVC. VISUAL ARTIST AS ACTORS VIDEO & WEB CASTING SKYPE IPR (ALL
IE'S NAMED ABOVE) CYBER INTERNET COMPUTER CYBERSQUATTING GENERATED
THRU TV & RADIO SYNDICATED SERIES SERIAL RIGHTS LICENSE EXCLUSIVE
COMPULSORY STATUTORY SHRINK-WRAP GRANT BACK OR LICENSING NO SALE
AUTHORIZING PERMISSION WILLFUL INFRINGEMENT TO THEIR SUBSCRIBERS
LIST IPR CRITICAL TECHNOLOGY THEFT & PERFORMANCE RIGHTS &
SPYING

5

EXAMPLE(S): Below, provide at least one example of a secondary retransmission of either a nonmusic (Example A) or music (Example B) work by filling in the blanks.

Example A (Nonmusic):

The copyrighted broadcast program 60 MINUTES CBS VIACOM INC.,
 was the subject of a primary transmission made by broadcast station WFOR,
 which is licensed to the city of MIAMI, located in the state of FLA,
 on 7-13-, 2014, and was retransmitted by cable system COMCAST
 which serves the community of (city) KEY LARGO, (state) FLA.

Optional example (Nonmusic): *Although not required, you may provide an additional example of a secondary retransmission below.*

The copyrighted broadcast program _____,
 was the subject of a primary transmission made by broadcast station _____,
 which is licensed to the city of _____, located in the state of _____,
 on _____, 2014, and was retransmitted by cable system _____
 which serves the community of (city) _____, (state) _____.

Example B (Music):

The musical composition _____,
 composed by _____,
 published by _____,
 was performed in the program _____,
 which was the subject of a primary transmission made by broadcast station _____,
 which is licensed to the city of _____, located in the state of _____,
 on _____, 2014, and was retransmitted by cable system _____
 which serves the community of (city) _____, (state) _____.

Optional example (Music): *Although not required, you may provide an additional example of a secondary retransmission below.*

The musical composition _____,
 composed by _____,
 published by _____,
 was performed in the program _____,
 which was the subject of a primary transmission made by broadcast station _____,
 which is licensed to the city of _____, located in the state of _____,
 on _____, 2014, and was retransmitted by cable system _____
 which serves the community of (city) _____, (state) _____.

DECLARATION

The undersigned declares under penalty of law that he or she is a copyright owner or an authorized representative of the copyright owner authorized to file this claim and further declares under penalty of law that all statements contained herein are true, complete, and correct to the best of his or her knowledge, information, and belief, and are made in good faith. [18 USC 1001].

DAVID POWELL VIRTUAL REPRESENTATION
 (TYPED OR PRINTED NAME) PRO SE STANDING THIRD PARTY STANDING

David Powell
 (SIGNATURE)

7-14-15
 (DATE)

EXHIBIT C

PLS RETURN COPY STAMP
DATED REC'D

172



United States Copyright Royalty Board

Single Claim for Cable Retransmission Royalty Fees — 2014

IMPORTANT: To be effective, this form must be filed *during* July 2015. See 17 USC 111(d)(4)(A), 37 CFR 360.2, 360.4. Do not file before July 1 or after July 31, 2015. Claims must be submitted on this form only. Replicas of this form will NOT be accepted.

In accordance with section 111 of the Copyright Act, 17 USC, and Subpart A of Part 360 of the Copyright Royalty Board regulations, 37 CFR 360.1–360.5, the copyright owner claimant named herein files with the Copyright Royalty Board a claim to royalty payments collected from cable television systems retransmitting copyrighted programming contained on over-the-air television and radio broadcast signals. This single claim to royalties is for fees collected from cable television systems during calendar year 2014.

RECEIVED

You must provide the requested information for each item on this form.

JUL 17 2015

FILER AND COPYRIGHT OWNER

Copyright Royalty Board

1

FILER FULL NAME AND ADDRESS: Below, provide the full legal name and address (including specific number and street name or rural route), of the person or entity filing the single claim.

DAVID POWELL JR. P.O. BOX 010950 MIAMI, FL 33101
532 N. MIAMI AVE. #16 MIAMI, FL 33136

Telephone number of the person or entity filing the claim: 305 539-1755

Facsimile number, if any, of the person or entity filing the claim:

Email address, if any, of the person or entity filing the claim:

2

COPYRIGHT OWNER FULL NAME AND ADDRESS: Provide the full legal name and address of the copyright owner entitled to claim the royalty fees. If the copyright owner is the same as the person or entity identified in paragraph 1, please enter SAME. Do not include names of subsidiaries, parent companies, etc., if they are not the copyright owner entitled to royalties.

NOTE: Performing rights organizations do not have to list the names of their members and affiliates.

SAME

3

CONTACT PERSON: Include name, phone, fax, if any, and email, if any:

DAVID POWELL
305 539-1755

CLAIM INFORMATION

4

GENERAL STATEMENT: Below, provide the nature of the copyright owner's works (i.e., motion pictures, syndicated television series, sports broadcasts, music, news, and other station-produced programming). LIFE STORY LITERARY WORK, COMPOSITION, PROPERTY LOOK & FEEL PROTECTION, ADAPTATION, DISPLAY RIGHTS, RIGHT OF PUBLICITY, SOUND & AUDIO RECORDING, NARROW CAST, VOICE & AUDIO ACTIVATED INTERACTIVE DIGITAL COMMUNICATION & HOST SVC, VISUAL ARTIST VIDEO & WEB CASTING SKYPE IPR SYNDICATED SERIES CYBER INTERNET COMPUTER CYBER SQUATTING GENERATED THRU TV (IE'S) LICENSE EXCLUSIVE, COMPULSORY STATUTORY SHRINK WRAP GRANT BACK OR LICENSING NO SALE AUTHORIZING PERMISSION WILLFUL INFRINGEMENT TO THEIR SUBSCRIBERS LIST IPR, PERFORMANCE RIGHTS SERVITUDE & SERIAL RIGHTS.

5

EXAMPLE(S): Below, provide at least one example of a secondary retransmission of either a nonmusic (Example A) or music (Example B) work by filling in the blanks.

Example A (Nonmusic):

The copyrighted broadcast program PRIMER IMPACTO,
which is owned by UNIVISION,
was the subject of a primary transmission made by broadcast station WLTU,
which is licensed to the city of MIAMI, located in the state of FLA,
on 8-14, 2014, and was retransmitted by cable system COMCAST,
which serves the community of (city) KEY LARGO, (state) FL.

Optional example (Nonmusic): Although not required, you may provide an additional example of a secondary retransmission below.

The copyrighted broadcast program _____,
which is owned by _____,
was the subject of a primary transmission made by broadcast station _____,
which is licensed to the city of _____, located in the state of _____,
on _____, 2014, and was retransmitted by cable system _____,
which serves the community of (city) _____, (state) _____.

Example B (Music):

The musical composition _____,
composed by _____,
published by _____,
was performed in the program _____,
which was the subject of a primary transmission made by broadcast station _____,
which is licensed to the city of _____, located in the state of _____,
on _____, 2014, and was retransmitted by cable system _____,
which serves the community of (city) _____, (state) _____.

Optional example (Music): Although not required, you may provide an additional example of a secondary retransmission below.

The musical composition _____,
composed by _____,
published by _____,
was performed in the program _____,
which was the subject of a primary transmission made by broadcast station _____,
which is licensed to the city of _____, located in the state of _____,
on _____, 2014, and was retransmitted by cable system _____,
which serves the community of (city) _____, (state) _____.

DECLARATION

The undersigned declares under penalty of law that he or she is duly authorized by the copyright owners identified herein to make this filing on their behalf and further declares under penalty of law that all statements contained herein are true, complete, and correct to the best of the undersigned's knowledge, information, and belief, and are made in good faith. [18 USC 1001].

DAVID POWELL
(TYPED OR PRINTED NAME)
David Powell 7-14-15
(SIGNATURE) (DATE)

EXHIBIT D

ORIGINAL



United States Copyright Royalty Board

**Single Claim for Cable Retransmission Royalty Fees
Deposited for 2015**

Received

JUL 07 2016

Copyright Royalty Board

CRB USE ONLY

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IMPORTANT: In order for your claim to be effective, you must file this claim form during July 2016 or on August 1, 2016. You must use this form only. You must provide all of the information requested in each item on this form.

CLAIM: The copyright owner claimant named herein files with the Copyright Royalty Board a claim to royalty payments collected from cable television systems retransmitting copyrighted programming contained on over-the-air television and radio broadcast signals. This claim to royalties is for fees collected from cable television systems during calendar year 2015. The claimant files this claim in accordance with section 111 of the Copyright Act (17 USC 111) and with subpart A of Part 360 of the Copyright Royalty Board regulations (37 CFR 360.1-360.5).

1

FILER'S FULL NAME AND ADDRESS: Provide full legal name and address (including specific number, street, and zip code).

DAVID POWELL JR. P.O. BOX 010950 MIAMI, FL 33101
532 N. MIAMI AVE #16 MIAMI, FL 33136

Telephone number of the person or entity filing the claim: 305 539-1755

Facsimile number, if any, of the person or entity filing the claim: _____

Email address, if any, of the person or entity filing the claim: _____

2

COPYRIGHT OWNER'S FULL NAME AND ADDRESS: Provide full legal name and address (including specific number, street, and zip code). Do not include names of subsidiaries, parent companies, etc., if they are not the copyright owner entitled to royalties.

☒ Check here if the copyright owner is the same person or entity identified in paragraph 1 as filing the claim.

NOTE: Performing rights organizations do not have to list the names of their members and affiliates.

3

CONTACT PERSON: Include name, phone, fax, if any, and email, if any:

DAVID POWELL
305 539-1755

4

GENERAL STATEMENT: Provide the nature of the copyright owner's works (e.g., motion pictures, syndicated television series, devotional programs, sports broadcasts, music, news, other station-produced programming).

LITERARY WORK, COMPOSITION & PROPERTY LOOK & FEEL PROTECTION, ADAPTION
& DISPLAY RIGHTS, RIGHT OF PUBLICITY, SOUND & AUDIO RECORDING, NARROW CAST
VOICE & AUDIO ACTIVATED INTERACTIVE DIGITAL COMMUNICATION & HOST SVC.
VISUAL ARTIST VIDEO & WEB CASTING SKYPE IPR SYNDICATED SERIES CYBER
INTERNET COMPUTER CYBER SQUATING GENERATED THRU TV (IE'S) LICENSE
EXCLUSIVE, COMPULSORY STATUTORY SHRINK WRAP GRANT BACK OR LICENSING
NO SALE AUTHORIZING PERMISSION WILLFUL INFRINGEMENT TO THEIR
SUBSCRIBERS LIST IPR, PERFORMANCE RIGHTS SERVITUDE & SERIAL RIGHTS,
LIVE STREAMING

5

EXAMPLE(S): Provide one example of a secondary transmission of either a nonmusic (Example A) or music (Example B) work by filling in the blanks.

Example A (Nonmusic):

The copyrighted broadcast program (title) PRIMER IMPACTO,
 was the subject of a primary transmission made on (date) 8.14, 2015,
 by broadcast station (call letters) WLTN,
 which is licensed to the city of MIAMI, located in the state of FLA,
 and was retransmitted by cable system (name) COMCAST,
 which serves the community of (city) KEY LARGO, (state) FL.

Example B (Music):

The musical composition (title) _____,
 music composed by _____,
 lyrics composed by _____, and
 published by _____,
 was performed in the program (title) _____,
 which was the subject of a primary transmission made on (date) _____, 2015,
 by broadcast station (call letters) _____,
 which is licensed to the city of _____, located in the state of _____,
 and was retransmitted by cable system (name) _____,
 which serves the community of (city) _____, (state) _____.

DECLARATION

The undersigned declares under penalty of law that he or she is a copyright owner or an authorized representative of the copyright owner authorized to file this claim and further declares under penalty of law that all statements contained herein are true, complete, and correct to the best of his or her knowledge, information, and belief, and are made in good faith. [18 USC 1001].

DAVID POWELL

(TYPED OR PRINTED NAME, TITLE, AND ORGANIZATION)

David Powell

(SIGNATURE)

7.5.16

(DATE)

EXHIBIT E

ORIGINAL



United States

Copyright Royalty Board



CRB USE ONLY

Single Claim for Cable Retransmission Royalty Fees Deposited for 2016

IMPORTANT: In order for your claim to be effective, you must file this claim form during July 2017. You must use this form only. You must provide all of the information requested in each item on this form.

CLAIM: The copyright owner claimant named herein files with the Copyright Royalty Board a claim to royalty payments collected from cable television systems retransmitting copyrighted programming contained on over-the-air television and radio broadcast signals. This claim to royalties is for fees collected from cable television systems during calendar year 2016. The claimant files this claim in accordance with section 111 of the Copyright Act (17 USC 111) and with subpart A of Part 360 of the Copyright Royalty Board regulations (37 CFR 360.1-360.5).

1

FILER'S FULL NAME AND ADDRESS: Provide full legal name and address (including specific number, street, and zip code).

DAVID POWELL JR P.O. BOX 010950 MIAMI, FL 33101
532 N. MIAMI AVE. #16 MIAMI, FL 33136

Telephone number of the person or entity filing the claim: 305 539-1755

Email address, if any, of the person or entity filing the claim:

2

COPYRIGHT OWNER'S FULL NAME AND ADDRESS: Provide full legal name and address (including specific number, street, and zip code). Do not include names of subsidiaries, parent companies, etc., if they are not the copyright owner entitled to royalties.

☒ Check here if the copyright owner is the same person or entity identified in paragraph 1 as filing the claim.

NOTE: Performing rights organizations do not have to list the names of their members and affiliates.

3

CONTACT PERSON: Include name, phone, and email, if any:

DAVID POWELL
305 539-1755

RECEIVED & FILED

JUL 17 2017

COPYRIGHT ROYALTY BOARD

4

GENERAL STATEMENT: Provide the nature of the copyright owner's works that have been retransmitted by cable television system(s) (e.g., motion pictures, syndicated television series, devotional programs, sports broadcasts, music, news, other station-produced programming).

LIFE STORY LITERARY WORK COMPOSITION
AND PROPERTY LOOK & FEEL PROTECTION, ADAPTION & DISPLAY
RIGHTS, RIGHT OF PUBLICITY, SOUND & AUDIO RECORDING, NARROW
CAST VOICE & AUDIO ACTIVATED INTERACTIVE DIGITAL COMMUNICATION
AND HOST SVC. VISUAL ARTIST VIDEO & WEBCASTING, LIVE STREAMING
SUBSCRIBERS LIST, PERFORMANCE RIGHTS & SERIAL RIGHTS.

DECLARATION

The undersigned declares under penalty of law that he or she is a copyright owner or an authorized representative of the copyright owner authorized to file this claim and further declares under penalty of law that all statements contained herein are true, complete, and correct to the best of his or her knowledge, information, and belief, and are made in good faith.

[18 USC 1001].

DAVID POWELL

(TYPED OR PRINTED NAME, TITLE, AND ORGANIZATION)

David Powell

(SIGNATURE)

7-13-17

(DATE)

EXHIBIT F



Claim 1684 on 2017 CD

[← Return to claims list](#)

2017 CD Claim

Claim Number	544
Date Received	07-13-2018
Filer	(Data entered from paper claim by CRB/ab) David Powell Jr PO Box 010950 Miami, FL 33136 Phone: 305-539-1755 davidpowell008@yahoo.com
Claimant	David Powell Jr David Powell Jr
Primary Contact	David Powell
Nature of Copyright Owner's Works	Life story literary work, composition & property look & feel protection, adaption [etc...] (NOTE: The scanned paper claim is available in eCRB documents for this docket.)

Proof of Delivery

I hereby certify that on Tuesday, May 12, 2020, I provided a true and correct copy of the Joint Motion For Order To Show Cause Why The Claims Of David Powell Should Not Be Dismissed to the following:

David Powell, represented by david powell, served via ESERVICE at davidpowell008@yahoo.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via ESERVICE at ted@copyrightroyalties.com

Multigroup Claimants, represented by Brian D Boydston, served via ESERVICE at brianb@ix.netcom.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via ESERVICE at scott@oandzlaw.com

Signed: /s/ Lucy H Plovnick